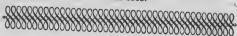


3 March 1823.

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(Ireland.)

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B I L L

To amend the Laws for collecting Church Rates and Money,
advanced by the Trustees and Commissioners of the First
Fruits of Ecclesiastical Benefices, in *Ireland*.

WH E R E A S by an Act passed in the fifty-fourth year of
the reign of his late Majesty King George the Third,
intituled, "An Act for the better regulation of Ecclesiastical Courts
" in *Ireland*, and for the more easy recovery of Church Rates and
" Tythes," it is amongst other things enacted, That if any one duly
rated to a Church Rate or Parish Cess, the validity whereof has not
been questioned in any ecclesiastical court, shall refuse or neglect
to pay the same sum at which he is so rated, it shall be lawful for
any one Justice of the peace of the county, county of a city or town
corporate, where the Church is situated in respect whereof such
rate or parish cess shall have been made, upon complaint of any
churchwarden or churchwardens, who ought to receive and collect
the same, to examine into the merits of such complaint, and to
make order for payment of what is due and payable in respect of
such rate or cess, and to levy the same in such manner as in the
said recited Act is mentioned and directed; and it is by the said Act
provided, that if the validity of such rate or cess, or the liability of
the person from whom it is demanded to pay the same be disputed,
and the party disputing give notice thereof to the Justices, the Jus-
tices shall forbear giving judgment thereupon:

Preamble
Recital of
54 G. 3.
c. 68. §. 7.
Recovery of
Church Rates.

And whereas the said Proviso has been found in a great measure to
defeat the intent and purpose of the said recited Act, so far as
relates to such Church Rates or cesses; **BE it therefore Enacted**, by
The KING's Most Excellent MAJESTY, by and with the Advice

Proviso there-
in, requiring
Justices to
stay judg-
ments when
validity of
Rate is dis-
puted.

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and

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said hereinbefore recited proviso in the said recited Act shall be and the same is hereby Repealed.

Where validity of Rate is disputed in any Ecclesiastical Court, on notice thereof to Justice, or on plea in writing verified on oath, that the Party is not liable (at any time before order of Justice, which order shall not be made until after eight days notice of complaint) Justice shall forbear to give judgment on complaint for non-payment of the Rate.

And be it further Enacted, That if the validity of any such Church Rate or cess as aforesaid, be disputed in any ecclesiastical court before any such complaint as aforesaid, for the recovery of such rate or cess, shall have been made to any Justice or Justices, and such Justice or Justices shall have received notice in writing, of the proceedings in such ecclesiastical court, together with a true copy of such proceedings, or of any sentence in such ecclesiastical court, before such Justice or Justices shall have made and published any order for payment of what shall appear to be due and payable in respect of such rate or cess, and which order it shall not be lawful for any such Justice or Justices to make and publish until after the end and expiration of days next after notice of such complaint given to the person or persons complained against, unless with the consent of such person or persons; or if at any time before such order shall be made, it shall be insisted on and signified in writing, signed by or on behalf of the person or persons complained against, that such person or persons, at the time or times of applotting such rate or cess, was not or were not owner or owners of the house or houses, or lands or tenements, in respect whereof such person or persons is, or are, or shall be sought to be charged with such rate or cess, or that such house or houses, lands or tenements, is not or are not situate within the parish or union, or alleged parish or union, to which such complaint shall relate, and the truth of any such written plea or defence shall be verified by affidavit made and sworn before any Justice of the peace, and delivered to the Justice or Justices before whom such complaint shall have been or shall be made, together with such matter plea or defence, then and in every such case, such Justice or Justices shall forbear to give judgment on any such complaint: Provided always, That nothing herein, or in the said recited Act contained, shall extend or be construed to extend, to alter or interfere with the jurisdiction of ecclesiastical courts, touching any Church Rate or parish cess, or any proceedings to enforce the same.

Recital of Irish Act 3 G. 2. c. 11. §. 3. requiring the Minister to give notice of applotment of Rates for repair of Churches, after divine service.

AND whereas by an Act made in the Parliament of *Ireland*, in the third year of the reign of King *George the Second*, intituled, "An Act for the better keeping Churches in repair," it is amongst other things enacted, That all and every Parish Cess or tax that shall be made raised or agreed upon at any vestry held for any parish for the repair of the Parish Church or Chapel, or other necessary charges belonging to such church or chapel, shall be applotted upon the respective

respective inhabitants of such parish, in manner in the said Act mentioned, which applotment when made, shall be returned to the minister of the parish, who the first Sunday after he hath received the same, shall after divine service in the morning, give public notice thereof, as also of a vestry to be held in ten days after such notice, in order to have the said applotment examined into: AND whereas, by an Act made in the Parliament of Ireland, in the fortieth year of the reign of his late Majesty King George the Third, intituled, "An Act to facilitate the building and rebuilding of Churches and Chapels," it is enacted, That all parishes and unions may be cessed for the building and rebuilding of Churches and Chapels, in like manner in all respects as they may for repairing Churches and Chapels: AND whereas in cases where such parochial assessments have been made for rebuilding and building of Churches and Chapels, it has been found impracticable to give such public notice after divine service, of the applotment, and of a vestry, as is required by the provisions of the said recited Acts; BE it therefore Enacted, That in all cases where notice is by law required to be given of a vestry, to be held for the laying on or raising, or applotting or confirming the applotment of any rate assessment or cess, for or towards the repairing building or rebuilding of any Church or Chapel in any parish or union, and it shall happen that there is not any Church or Chapel within such parish or union, or any Church or Chapel fit for the celebration of divine service, the posting up of a notice of such vestry, by direction of the minister or curate of such parish or union, on some conspicuous public place in the market town nearest to the site of or for the Church or Chapel in respect of the repairing building or rebuilding whereof any such assessment rate or applotment shall be made or proposed to be made, shall be deemed sufficient notice of every such vestry, within the true intent and meaning of the said recited Acts, or either of them; any thing in the said recited Acts or either of them contained to the contrary in anywise notwithstanding.

AND whereas, by the said recited Act, made in the Parliament of Ireland, in the third year of King George the Second, intituled, "An Act for the better keeping Churches in repair," it is amongst other things enacted, That wherever any archiepiscopal or episcopal union of contiguous parishes, under one incumbent or curate, as in the said Act is mentioned, shall be made by any archbishop or bishop within his respective diocese, the inhabitants or occupiers of land within each and every of such united parishes respectively, shall be obliged to contribute towards the repair of the Church or Chapel appointed or to be appointed for public worship within the said united parishes, and to the providing all necessary charges belonging to such Church or

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Chapel,

Extended to cases of building Churches, by 40 G. 3. c. 85.

In case of building Churches, required notice impracticable.

When there is not any Church in which notice can be given after divine service, such notice may be posted at the nearest market town.

Racial of 3 G. 2. c. 11. §. 1. requiring Parishes episcopally united to contribute to repair of Church appointed for the union.

Sec. 6. like
provision as
to unions
under royal
charters.

Loans granted
under 43
G. 3. c. 55.
49 G. 3.
c. 103. for
building
Churches in
case of the
Parishes so
united.

Further
loans may be
required for
building or
repairing
Churches.

Any Parish in
any such
union, which
has not a
Church of its
own, shall
contribute to

Chapel, as if such united parishes were one entire parish, and the Church so appointed were the Parish Church of the same; and by the said Act, after reciting, that several parishes are united by charters granted by the Crown, in some of which there are but very few Protestants inhabiting, and in others none at all, and the Parish Churches thereof quite ruined or in very great decay, it is enacted, That until such ruined or decayed Churches are rebuilt or repaired, the parishioners thereof shall be obliged to contribute to the keeping in repair the Church to which such parishes are united, and to the providing all necessary charges belonging thereto, in like manner and subject to such regulations as are by the said Act appointed for the repairing of the Churches united by archiepiscopal or episcopal union: AND whereas, by certain Acts of Parliament, made in the Parliament of the United Kingdom of Great Britain and Ireland, in the forty-eighth and forty-ninth years respectively of the reign of his late Majesty King George the Third, for making provision for the building and rebuilding of Churches, Chapels and Glebe-houses in Ireland, the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in Ireland, are authorized and empowered to grant, by way of loan, sums of money, interest free, to be applied for the building and rebuilding of Churches and Chapels, to be repaid to them by certain instalments after the rate of six pounds for and so every hundred pounds so lent and advanced, until the respective loans shall be repaid and discharged, such instalments to be annually assessed and apportioned as therein mentioned: AND whereas, various loans have been accordingly made by the said Trustees and Commissioners for the building and rebuilding of Churches and Chapels; and further loans are likely to be granted for the same purposes, and also for the repairing of Churches and Chapels, in pursuance of the further powers hereby granted; and it has happened and may hereafter happen, that parishes having Churches, or no Churches fit for the celebration of divine service, have been and may be so united to parishes having Churches or Chapels fit for the celebration of divine service, for or in respect of the building or rebuilding or repairing whereof, certain annual instalments are and may, by law, be payable to the said Trustees and Commissioners of the First Fruits; and it is just and proper that such of the parishes of the said unions as have not any Church or Chapel, or any Church or Chapel fit for the celebration of divine service, should contribute to the payment of the annual instalments of the loans granted and to be granted, for the building and rebuilding and repairing of the Churches or Chapels of the parishes to which they are or may be so united whilst they continue so united; BE it therefore Enacted, That there shall not be any Church or parishes, in any such union in which there shall not be any Church or Chapel, or any Church or Chapel fit for the celebration of divine service, shall from time to time, so long

payment of
such loans for
any other
Church in the
union.

long as there shall not be any Church or Chapel fit for the celebration of divine service in such parish, but no longer, contribute to the payment of all annual instalments payable to the said Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, which are or shall become due and payable on and in respect of any loans for or towards building or rebuilding or repairing any Church appointed, or to be appointed, to be as aforesaid the Church of such union, as if the said united parishes were one entire parish, and the Church so built or rebuilt or repaired were the Parish Church of the same.

AND whereas, several parishes in *Ireland* having no Churches or Chapels fit for the celebration of divine service, are not or cannot as the law now stands, be episcopally or by charter united with other parishes, though contiguous and having Churches fit for the celebration of divine service; and it is expedient and proper, that the inhabitants of such parishes, not provided with Churches or Chapels fit for divine service, should have and enjoy the use and benefit of the Churches convenient to the districts wherein they reside, and that in consideration of such use and enjoyment, they should contribute to the support and maintenance of such Churches; BE it therefore Enacted, That it shall and may be lawful to and for the respective archbishops and bishops in *Ireland*, within their respective provinces and dioceses, to order and direct by any instrument under their archiepiscopal or episcopal seals, that the inhabitants of any parish or parishes within their respective provinces or dioceses, not having a Church or Chapel fit for the celebration of divine service, or that the inhabitants of any district or portion of any such parish shall and may use and resort to the Church of any adjoining parish fit for divine service, in such instrument mentioned, and that thereupon and from thenceforth, until the inhabitants of the said parish or parishes, or districts, or portions of parishes, so unprovided with Churches or Chapels fit for divine service as aforesaid, shall build up or sufficiently repair their Parish Church or Chapel, or until the archbishop or bishop shall revoke such order, which it shall be lawful for him or them to do at any time by writing under his or their archiepiscopal or episcopal seal, such inhabitants may lawfully use and resort to such Church of such adjoining parish as shall be mentioned in such instrument; and all the inhabitants of all or any such parishes or parish, or district or portion as aforesaid, shall contribute and shall be assessed and rated towards the repairs of the Church of such adjoining parish, and for the providing all necessary charges belonging to the same, and towards the payment of all annual instalments thereafter to be due and payable to the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, on or of any loan or loans for or in respect of rebuilding or building, or repairing

Where any Parish not having a Church shall not be united to any other Parish, the Archbishop or Bishop may make an order for the Parishes to use the Church of any adjoining Parish; and such Parishes shall contribute to the maintenance of such Church.

repairing any such Church of such adjoining parish, and shall be bound and compellable so to do, as if the said parish so having a Church fit for divine service, and the parish, or district, or portion of the parish, the inhabitants whereof shall have been by such instrument as aforesaid empowered to use and resort to the said last mentioned Churches, were one entire parish.

Publication of
banns, &c.
may be made
in such
Church of
adjoining
Parish.

Mistaken care
of souls to
continue.

Parishioners
building, &c.
a Church in
their own
Parish, not to
be liable to
charge of any
other Church.

Parishioners
while bound
to contribute
to Church of
adjoining
Parish, may
vote at vestries
thereof, &c.

On dissolution
of union of
Parishes, in-
stalments may
be decreased.

And be it further Enacted, That every such Church of such adjoining parish, so long as the inhabitants of any other parish or portion of a parish, shall be permitted to use and resort to the same, shall so far as respects the publication of banns of marriage, and the celebration of marriages, and the performance and administration of divine service and sacraments, be and be deemed and taken to be the Church of such parish or portion of a parish: Provided always, That nothing herein contained shall be construed or taken to exempt or discharge the incumbent of any such parish, or portion of a parish, of or from the care of the souls of the inhabitants thereof; and that if the parishioners of such parish, or part of a parish, so by this Act or any of the said recited Acts made liable to such contributions as hereinbefore mentioned, shall at any time build up or sufficiently repair the Parish Church or Chapel of such parish, then and from thenceforth, such parishioners or any of them shall not be bound or compelled to contribute towards the repairing, building, rebuilding, or providing necessary charges belonging to or towards the payment of any instalment of any loan for or in respect of any other Church or Chapel, excepting in respect of that of the particular parish to which they immediately belong.

And be it further Enacted, That so long and during such time as all or any of the inhabitants of the said parishes respectively, not having Churches or Chapels fit for the celebration of divine service, shall be liable and bound to contribute as aforesaid, and no longer, it shall and may be lawful for such parishioners so bound to contribute, to vote at all vestries to be held for or in respect of the assessment or applotment of the sum or sums respectively, to and in respect whereof such contribution is to be made as aforesaid; and that so long as they shall be so bound to contribute, the churchwarden and churchwardens of that parish, to or in respect of the Church whereof such contribution is to be made, shall be and be deemed and taken as the churchwarden and churchwardens of the parish, or portion of the parish, the inhabitants whereof shall be so bound to contribution as aforesaid, so far only as may respect the assessments and applotments of any sum or sums for all or any of the purposes aforesaid, and the collection thereof, and proceedings for recovery and receipt thereof, and no farther.

And be it further Enacted, That wherever, by reason of the dissolution of any union or unions, real or temporary, or from or by reason

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of any of the causes aforesaid, or any other lawful cause, the inhabitants of any parish or district, or portion of any parish, shall cease to be liable and bound to contribute towards the payment of any such instalment or instalments as aforesaid, payable on or of any loan or loans for the building or rebuilding, or repairing of the Church of any adjoining parish, to which they may be before bound to contribute as aforesaid, then and in such case it shall from time to time be thereupon lawful to and for the said Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, and they are hereby required, upon the petition or memorial of the minister or curate and churchwardens of the parish or parishes remaining liable to the payment of any such annual instalment or instalments, to order and direct, that in lieu and stead of the annual instalment or instalments which would otherwise thereupon by law become due and payable, a smaller and reduced annual instalment, or sum or sums, shall be thereafter paid and payable to the said Trustees and Commissioners, as the only annual instalment or instalments of such loan or loans; the same to be paid and payable, and to continue to be paid and payable, until such loan or loans shall be fully and entirely paid off and discharged, and no longer; and from and after the making of any such orders respectively, the reduced annual instalment or instalments therein ordered to be paid, shall be and shall continue to be paid and payable yearly and every year, until such loan or loans shall be fully and entirely paid off and discharged, although sixteen years or more may have elapsed since the granting or issuing of such loan or loans respectively.

AND whereas great neglect and remissness have taken place in respect of the collection and payment to the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, of the several sums or instalments of loans, made by the said Trustees and Commissioners for the building and rebuilding of Churches or Chapels in *Ireland*, on the faith of parochial assessments, and the applotments for the repayment of such loans as well as the assessments, have been rendered invalid from want of form therein, and alleged irregularities in respect of the changing the sites of Churches and Chapels; BE it therefore Declared and Enacted, That all Churches and Chapels already erected and consecrated, or in which divine service is and has been celebrated with the consent of the incumbents and curates of such Churches and Chapels, and of the Archbishops and Bishops of the dioceses respectively, are and have been, and shall be and be deemed and taken to be the Churches and Chapels of the respective parishes and districts in which they are respectively situate, notwithstanding that the consent of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* may not have been obtained to the changing the sites of such Churches and Chapels, and although the same may have been erected and built before the

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districts

Churches built before the site or district were duly ascertained, declared to be Churches of their respective Parishes.

districts which should form the cures or parishes of such Churches and Chapels were described and ascertained.

Assessments shall not be invalidated by informality.

And be it further Enacted, That no assessment or applotment of any sum or instalment made, or to be made by any vestry, or by the authority of the same, in order to the obtaining of any loan, for or in respect of the building rebuilding or repairing of any Church or Chapel, or for or towards the repayment thereof, shall be liable to be affected or impeached, by reason of any informality in any such assessment or applotment, or in any act of vestry.

So much of Act 43 G. 3. c. 100 (§ 2.)

And be it further Enacted, That so much and such parts of an Act, made in the forty-third year of the reign of his late Majesty King George the Third, intituled, "An Act to enable the Commissioners of First Fruits in *Ireland*, to lend certain sums of money (interest free) to incumbents of benefices there, for the purpose of enabling them to erect or purchase glebe houses and offices convenient for their residence, and to purchase glebe lands fit and convenient for the erection of such houses and offices, and to make provision for the repayment of all loans so to be made by the said Commissioners," and of the said hereinbefore in part recited Acts, made in the forty-eighth and forty-ninth years, respectively, of the reign of his said late Majesty King George the Third, as require and direct the sum and sums lent and advanced, or to be lent and advanced, as therein mentioned, for and towards the building and rebuilding of Churches and Glebe and Manse Houses, to be repaid in sixteen years, or by instalments after the rate of six pounds for every one hundred pounds lent and advanced for the building and rebuilding of Churches and Chapels, and Glebe or Manse Houses, shall be and are hereby Repealed, as to the amount of such instalments only, but no further or otherwise.

43 Geo. 3. c. 65. (§ 4.)
49 Geo. 3. c. 105 (§ 2. 6.)
24 requires repayment of money advanced by instalments of 6 per cent.

Repealed.

Sums remaining due, or hereafter to be advanced, shall be repaid by instalments, after the rate of 6 per cent. per ann. and a regulation of recited Acts and this Act.

And be it further Enacted, That from and after the the expensive sums which shall at the time of the passing of this Act, be and remain due to the said Trustees and Commissioners of the First Fruits, on account of any money lent or advanced by the said Trustees and Commissioners of the First Fruits, for or towards the building or rebuilding of Churches and Chapels, or Glebe or Manse Houses, shall to all intents and purposes be deemed and taken to be, and shall be considered, as the sum and sums originally lent and advanced for such purposes, and to be the only sum and sums lent, and which ought to be repaid by instalments to the said Trustees and Commissioners, on or before every day of in every year, in manner hereinafter mentioned; and that every such sum and sums, and every sum and sums hereafter to be so lent and advanced, for and towards the building or rebuilding of Glebe or Manse Houses, or building rebuilding or repairing of Churches or Chapels, shall be repaid to the said

said Trustees and Commissioners by annual instalments, at and after the rate of _____ for every hundred pounds so lent and advanced, and remaining due and payable as aforesaid, and to be lent and advanced, and at and after no greater rate until the said sum and sums so lent and advanced, or to be lent and advanced, and now remaining due, or hereafter to grow due to the said Trustees and Commissioners, shall be wholly repaid and discharged, and such annual instalments at the rate of _____ per cent on all sums so lent, and to be lent for and towards building rebuilding or repairing of Churches and Chapels, shall be annually assessed and apportioned, paid and levied, and such annual instalments, at the rate of _____ per cent on all loans for the building of Glebe and Manse Houses, shall be paid and levied in such manner and under such regulations, as in and by the said in part recited Acts, passed in the forty-third, forty-eighth, and forty-ninth years, respectively, of his said late Majesty King George the Third, directed and provided with respect to the instalments of six per cent in the said Acts mentioned, or as is directed or provided by this Act; and from and after the _____ no suit or proceeding shall be taken, had, commenced, or carried on or continued by or on behalf of His Majesty, His heirs or successors, or by or in the name of any archbishop, bishop or ordinary, or of any churchwarden or other person, for the recovery or receipt of any such instalment, after the rate of six per cent heretofore apportioned in respect of any sum or sums heretofore lent and advanced, for any of the purposes aforesaid, or of any part thereof; any thing in the said recited Acts, or any of them, contained to the contrary thereof, in anywise notwithstanding.

And be it further Enacted, That every instalment of any loan made, or to be made, by the Trustees and Commissioners of the First Fruits, for or towards the erecting, building, rebuilding, or repairing of any Church or Chapel, shall be apportioned on the inhabitants of every parish or place liable to the payment of such instalments separately, and by a distinct apportionment from the apportionment of any other rates assessments or cesses whatever.

Distinct Apportionments shall be made for the repayment of instalments of such loans.

And be it further Enacted, That if any such instalment shall be, in the whole or in part, in arrear and unpaid, and shall not have been duly raised, paid and satisfied, within the space of _____ days next after the _____ day of _____ in any year whereon the same shall be due, and ought to be paid to the Trustees and Commissioners of the First Fruits, according to the true intent and meaning of the said hereinbefore recited Act of the forty-ninth year of the reign of his late Majesty King George the Third, for making provision for the building and rebuilding of Churches, Chapels and Glebe-houses in *Ireland*, as amended by this Act, it shall and may be lawful

For the better collection of Instalments payable to Commissioners of First Fruits on loans made by them for building Churches;

Archbishop
or Bishop of
diocese shall,
within 21
days after 1st
July yearly,
certify all
arrear of such
instalments
into the Ex-
chequer.

to and for the Archbishop or Bishop of the diocese, within the parish-
or place, is or shall be situate, in which it has been or shall be proposed
and intended, that any such Church or Chapel shall be erected, re-
paired or rebuilt, or in which such Church or Chapel shall have been
or shall be erected, rebuilt or repaired, within days 5
after the day of and so, from time to time,
immediately after the expiration of days next after the
day of in any year, whenever any such
instalment or instalments, which ought to be paid pursuant to the pro-
visions of the said last-recited Act, or of this Act, within 10
days after the said day of shall not have
been paid and satisfied, pursuant to the said recited Act and of this
Act, before the expiration of days next after the
day of in any year; and such Archbishop or Bishop is
hereby authorized and required to certify, from time to time, under 15
his hand and archiepiscopal or episcopal seal, the amount of the sum
or instalment, sums or instalments, so then in arrear and unpaid, and to
cause such certificate to be forthwith lodged with the proper officer in
the office of the Treasurer's Remembrancer of the Court of Exchequer
in Ireland, there to remain of record; and such officer within the first 20
days of the Michaelmas term next after the receipt of
such certificate shall, and he is hereby required to deliver or cause to
be delivered a true copy of such certificate, attested by such officer,
together with an order of the said Court of Exchequer (which order the
said court is hereby authorized and required to make, on production 25
to the said court of such certificate as aforesaid by the said officer) to
be directed to the sheriff or sheriffs of the county, county of a city,
or county of a town, or town corporate, in which the Church or
Chapel erected, or rebuilt, or repaired, or proposed to be erected or
rebuilt, or repaired, is or shall be situate, or is or shall be proposed to 30
be situated, for the collection of the sum and sums so to be certified
(and for which entry, order and copy, there shall be paid to the
said officer the fee of and no more;) and every such sheriff and sheriffs shall and he and they is and
are hereby required forthwith on receipt of such order, to issue 35
his or their warrant, under his or their hand and seal of office, to
some known constable or constables, or at the discretion of such sheriff
or sheriffs, to any person or persons, who shall then be empowered
to collect any monies under any presentment made by the grand jury of
the county, or county of a city, or county of a town, or town corpo- 40
rate, in which such Church or Chapel is or shall be situate, or is or
shall be proposed to be situate, authorizing by such warrant such
constable or constables, or collector or collectors, or other person
or persons to collect, applot and levy, on and from the inhabitants
or landholders of the parish or place wherein such Church or 45
Chapel is or shall be situate, or wherein it has been or shall be
proposed

Officer of Ex-
chequer shall
send order of
the Court to
the Sheriff to
levy such
arrear.

Sheriff shall
grant his
warrant for
such levy.

proposed and intended that such Church or Chapel should or shall be situate, the sum and sums appearing by such certificate or certificates respectively, of such archbishop or bishop, to be due or in arrear as aforesaid, together with interest for the same, at the rate

with interest
and poundage

of by the hundred by the year, to be computed from the date of every such certificate, together with the above mentioned fee, and also the sheriffs and receivers fees, at the rate of

for every pound sterling of the sum or sums so certified; one moiety of such sheriffs or receivers fees to be

to and for the use of the sheriff or sheriffs, and the other moiety thereof to be retained by such constable or constables, collector or collectors, or other person or persons respectively, as and for a recompence for his and their pains and trouble, in levying, collecting and receiving such sums and instalments respectively; and such poundage and allowance shall be in lieu of all sheriffs and collectors fees or poundage.

And be it further Enacted, That the whole parish, district or place for the collecting, applotting and levying any assessment wherein, or from the inhabitants whereof, any warrant shall be granted by any sheriff or sheriffs under this Act, shall be and the same is hereby declared to be and shall be taken to be within the hailiwick of such sheriff or sheriffs respectively, and to be part and parcel of the county, county of a city, or county of a town, or town corporate respectively, wherein such Church or Chapel is or shall be locally situate, or is or shall be proposed to be situate, for the purposes of this present Act only; and every such sheriff or sheriffs, constable or constables, collector or collectors, person or persons, as aforesaid, shall have full power and jurisdiction in that behalf accordingly.

Place where
levy is direct-
ed to be made,
declared to be
within the
Sheriff's
hailiwick.

And be it further Enacted, That on every such warrant there shall be endorsed by every such sheriff, the true time of delivering thereof to such constable or constables, collector or collectors, or other person or persons, and such constables, collectors or other persons to whom such warrant shall be directed, shall with all convenient speed cause notice thereof in writing to be given to the inhabitants and landholders of such parish or place, by posting the same or a copy thereof on the door of the Parish Church or Chapel, or on some other public and conspicuous place within the said parish or place, and by serving or causing to be served a counterpart or true copy of such notice on one of the churchwardens, or on any householders of such parish or place; and in case within

Notice of
warrants to
be given to
Inhabitants;

after the posting of such notice or notices, an applotment or paper writing, purporting to be an applotment of the sum and sums so certified as aforesaid, signed by the minister or curate and churchwarden or churchwardens of such parish or place, shall be delivered to such

if Applot-
ment of sum
so certified,
shall be de-
livered by
Minister,
&c. to the
Constable;

he shall proceed to levy the same as apploited;

If no such Apploiment made, Constable, &c. shall make an Apploiment on oath, and levy accordingly.

constable or constables, collector or collectors, or other person or persons, to whom the said warrant or warrants shall have been directed, such constable or constables, collector or collectors, or other person or persons, shall forthwith proceed to levy the same so appearing to be apploited, with such interest, poundage and allowance as aforesaid, from the respective inhabitants and landholders of such parish or place according to the said paper writing, being an apploiment, or purporting to be an apploiment (demand being first made of the amount thereof respectively) by distress and sale of the goods and chattels of the respective persons mentioned in the said apploiment or paper writing purporting to be an apploiment as aforesaid; but in case no such apploiment or paper writing purporting to be an apploiment, shall be so delivered within the space of days as aforesaid, it shall and may be lawful to and for such constable or constables, collector or collectors, or other person or persons, and he and they is and are hereby required forthwith to applot the sum and sums so certified as aforesaid on the inhabitants or landholders of such parish or place respectively; and forthwith after such apploiment shall be so made, oath being first made by such constable or constables, collector or collectors, or other person or persons, before one of His Majesty's Justices of the peace of the county, county of a city, or county of a town, or town corporate, wherein such Church or Chapel is or are or shall be situate, or is or are or shall be proposed to be situate (which oath every such Justice is hereby empowered to administer) that such last-mentioned apploiment has been fairly, impartially and equally made, to the best of the deponent's judgment and belief, it shall and may be lawful to and for every such constable and constables, collector and collectors, or other person or persons, and he and they is and are hereby required to levy and collect the sum and sums which shall have been so apploited as last-mentioned, with such interest, poundage and allowance as aforesaid, from the respective inhabitants or landholders of every such parish or place, according to such last mentioned apploiment (demand being first made thereof) by distress and sale of the goods and chattels of the respective persons named in the said last-mentioned apploiment, rendering the overplus in either or any of the said cases, to the person or persons whose goods and chattels shall be so distrained; and every such distress to be made under or by virtue of this Act shall be in the nature of an execution irrepleviable, any law or laws to the contrary notwithstanding.

Amount levied shall be paid over to the Sheriff, and by him to the Treasurer of the Treasury.

And be it further Enacted, That the sum and sums so in any manner as aforesaid to be apploited or collected, and the interest thereof as aforesaid, shall, by every such constable or constables, collector or collectors, or other person or persons as aforesaid, be paid forthwith when and as the same shall be levied or received by him or them, to the sheriff or sheriffs under whose warrant the same shall have been so levied

levied and received; and every such sheriff shall pay the same when and as the same shall be received by him (retaining thereout the aforesaid fees thereupon) to the Treasurer for the time being of the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, to be by such Treasurer lodged in the Bank of Ireland.

Provided always, and be it Enacted, That in case any person shall think himself or herself aggrieved, by reason of any act or thing to be done in consequence of any certificate as aforesaid, or in pursuance of any warrant of any sheriffs or sheriff under this Act, or in case the major part of the inhabitants of any parish in vestry assembled, shall be of opinion that the money advanced by the Trustees and Commissioners of First Fruits on the faith of any assessments on the said parish, has not been *bona fide* expended, it shall be lawful for any person so aggrieved, or for the major part of the said inhabitants, in vestry assembled, to petition the said court of Exchequer on the revenue side thereof for relief, and it shall be lawful for such court to make such order on every such petition as shall be fit; and in case the proper officers of the said court of Exchequer, or any such sheriff, constable or collector, or other person as aforesaid, shall refuse or neglect duly to perform any act matter or thing, which he or they is or are by this Act required to do and perform as aforesaid; or if any such constable or collector, or other person as aforesaid, shall refuse or neglect, by the space of days next after the receipt of any sum or sums of money so to be apportioned or collected, amounting to

sterling or upwards, to pay the same to the sheriff or sheriffs under whose warrant the same shall be levied or received; or if any such sheriff or sheriffs, having received any such sum or sums of money, shall omit or neglect to pay the same (after retaining such fees as before mentioned thereupon) at or before the expiration of his or their office, or within days afterwards, to the Treasurer of the Trustees and Commissioners of the First Fruits, it shall be lawful for the said court of Exchequer, on any complaint to such court, to make such summary order for and in respect of every such neglect, and to compel the performance of any and every such act payment or duty, and to enforce the same by attachment and fine or otherwise, as may be thought fit, against the party or parties disobeying such order, and to award the costs attendant on or occasioned by such nonpayment or neglect, or breach of duty, and of obtaining and enforcing such order as shall be fit; and such order and orders as aforesaid, shall be final and conclusive to all intents and purposes; and if the said court of Exchequer shall not be sitting when any such complaint shall be made, it shall be lawful for the Lord Chief Baron, or in his absence, for any one of the Barons of the said court, to hear and determine the matter of every such

Persons
aggrieved may
Petition the
Court of
Exchequer
for relief.

The Court
may punish
their Officers
and the Sheriff,
Constables,
&c. for neglect
of Duty in
execution of
this Act.

complaint, and to make such order as aforesaid; and such order of the Lord Chief Baron or Baron, as the case may be, in the premises, shall be of the same force and validity, and shall be enforced in like manner to all intents and purposes, as any order made by the said court of Exchequer, and shall be deemed and taken to be the order 5 of the said court.

Receipt for
sums paid
under Applot-
ment to
Churchward-
ens shall be
taken by Col-
lector in dis-
charge of any
Inhabitant,
and the Mo-
ney shall be
paid by the
Churchward-
ens to the
Collector.

Provided also, and be it Enacted, That whenever any such instalment or instalments as aforesaid, shall have been duly ap-
plotted on the inhabitants or landholders of any parish or place at
any vestry as aforesaid, and any one or more of such inhabitants or 10
landholders, before any demand shall be made from him her or them,
by any such constable or collector, or other person as aforesaid, of
the sum or sums so applotted on him or them, shall have *bond fide*
paid to the churchwardens or churchwarden of any such parish
or place, the sum or sums so applotted on him or them, the lawful 15
receipt or receipts of such churchwarden or churchwardens shall be
received and accepted by any such constable or collector, person or
persons as aforesaid, in or towards the payment and discharge of the
sum and sums payable under and by virtue of any such applotment
as aforesaid, and mentioned in any such receipt or receipts respec- 20
tively; and the churchwardens or churchwarden to whom any such
payment shall have been made, shall pay the sum so received by him
or them, to every such constable or collector, with interest for same,
from the time of the notice of such warrant as aforesaid; and the
payment thereof, with poundage thereon as aforesaid, by such 25
churchwarden or churchwardens neglecting or omitting to pay the
same, to such constables or constable, collector or collectors, person
or persons, shall and may be enforced by such summary order as
aforesaid, of the said court of Exchequer, or of the Chief Baron, or
one of the Barons thereof as aforesaid. 30

Dublin Police
Magistrates
may act as Jus-
tices of the
Peace in exe-
cution of this
Act.

And be it further Enacted, That all and every the magistrates
appointed, and to be appointed, in and for the police district of
Dublin metropolis, or any police district, in any county, or county
of a city, or county of a town, or town corporate, in any part of
Ireland, shall be deemed and taken to be Justices of the peace, in 35
and for the said county and county of the city of *Dublin*, county of
a city, county of a town, and town corporate, duly appointed and
qualified, to all intents and purposes, so far as relates to the execut-
ing and carrying into effect this present Act, and the several Acts of Par-
liament hereinbefore recited. 40

Limitation of
Actions three
months;

And be it further Enacted, That if any action or suit be sued or
prosecuted against any sheriff, justice, minister, curate, churchwarden,
constable, collector, or other person or persons, for or by reason of
any act, matter or thing done in pursuance or execution of this
present

1165

present Act, or of the said recited Acts, or any of them, or of any Act or Acts of Parliament, for the recovery of church rates or parochial cesses, the same shall be commenced within calendar months next after the alledged cause or causes of action or suit shall have arisen; and that every such Justice, minister, curate, sheriff, churchwarden, constable, collector, or other person or persons, may in his ber or their justification and defence, plead the general issue, and give this Act or the said recited Acts respectively, and the special matter, in evidence, without specially pleading the same; and if any replevin shall be brought for any cattle, goods or chattels seized or taken by virtue or in pursuance of this present Act, or of the said Acts or any of them (in cases where replevin is permitted) it shall and may be lawful and sufficient to and for any such Justice or minister, curate, sheriff, churchwarden, constable, collector, or other person, who shall be defendant or defendants, or avowant or avowants, in any such replevin, to avow, plead or make cognizance generally, that he or they took the same cattle, goods or chattels, as a distress, by reason of the nonpayment of Church rates, parish cesses, or instalments, payable to the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, as the case may be, by force of the statute in that case made and provided, and by virtue of a warrant in that behalf duly made, in cases where a warrant shall have been granted, without setting forth more particularly the cause of making or detaining the said distress or distresses, or more particularly describing the Act or Acts of Parliament, or warrant in that behalf made, or making any other more special plea, avowry or cognizance; any thing herein before contained to the contrary notwithstanding.

General Issue;

and avowing
in Replevin.

Provided always, and be it Enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent or hinder any Justice or Justices of the peace, sheriff, minister, curate, churchwarden, or other officer or person, from having such protection against contentious suits prosecuted, and to be prosecuted against them, for or in respect of the lawful performance of the duties of his or their offices, or in assistance of the said officers respectively, in the execution of this Act, or any of the said recited Acts, as they can or may have by and under an Act made in *Ireland*, in the tenth year of the reign of King *Charles the First*, intituled, "An Act for ease in pleading against troublesome and contentious Suits, prosecuted against Sheriffs, Justices of the peace, Mayors, Constables, and certain other officers, for the lawful execution of their office," or by or under any other Act or Acts now in force in that part of the United Kingdom called *Ireland*.

Not to deprive
Justices, &c.
of protection
under 11th
Act, 10 Car. 1.
stat. 2. c. 39.

Provided also, and be it Enacted, That nothing in the present Act contained shall extend, or be construed to extend, to enable any person

This Act shall
not empower
disqualified
Persons to
vote at
Elections.

person or persons to vote at any vestry or vestries, or on any matter or subject there to be treated of, who is, or are, or shall be by any law or statute now in force in *Ireland*, disqualified from voting at vestries generally, or on any particular subject or matter at such vestry or vestries.

5

Powers of former Acts and this Act, applied to advancement of funds for repairing of Churches.

And be it further Enacted, That it shall and may be lawful to and for the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, from time to time to lend and advance money, interest free, to be repaid by instalments at the rate of for every one hundred pounds, of the sums to be lent respectively, to be 10 applied for and towards the repairing of any Churches and Chapels, as fully to all intents and purposes as by any former Act or Acts, or by this Act, they are impowered to lend and advance any sum or sums, for the building or rebuilding of Churches or Chapels; and that it shall be lawful for all parishes and vestries to assess and applot 15 the sum and sums to be so lent and advanced, in order to the obtaining such loans and the instalments thereof, in like manner and form, and to have all such and the like remedies and powers for the recovery and the repayment thereof, as in and by the said in part recited Acts, or any of them, or by any other Act now in force in *Ireland*, 20 or by this present Act is provided and declared, of and respecting the sum and sums of money to be lent and advanced, assessed and applotted, for the rebuilding or building of Churches and Chapels, and the repayment thereof; and that all enactments, conditions, regulations and restrictions by law and by this present Act made, provided 25 and applied to and respecting, and in order to the obtaining and making any assessment or applotment, and the collection and repayment of money lent or to be lent, for the building or rebuilding of Churches or Chapels, or any instalments or instalment thereof, shall be deemed and taken as made, provided, enacted and applied to 30 and respecting, and in order to the obtaining, making, assessing, applotting, collection and repayment of the sums to be lent and advanced, for the repairs of Churches and Chapels.

So much of any Acts as restrain the application of any Parliamentary gift to Churches, where service has not been performed for 20 years,

And be it further Enacted, That so much and such parts of any Act or Acts of Parliament in force in *Ireland*, at the time of the passing 35 of this Act, as restrain and limit the application of any grant or appropriation by Parliament, of any sum or sums of money granted to the said Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, by way of gift, for the building of new Churches or Chapels, or rebuilding of old Churches or Chapels, in 40 such parishes wherein no public service has been performed for years last, shall be and the same are hereby Repealed; and that from and after the it shall and may be lawful to and for the said Trustees and Commissioners to appropriate by way of gift, so much

Repealed, &c.

much and such parts of all monies in their hands as they may think reasonable, to the building and rebuilding of Churches and Chapels, as well in parishes where public service shall have been performed in the course of years next preceding the time of the several grants and appropriations aforesaid, as in any other parish whatsoever; any thing in the said Acts or any of them to the contrary notwithstanding.

AND whereas by the Act, passed in the forty-ninth year of the reign of his late Majesty King George the Third, for making provision for the building and rebuilding of Churches, Chapels and Glebe Houses in *Ireland*, it is amongst other things enacted, That in case any money advanced by such Trustees and Commissioners, shall have been advanced by them out of any money advanced to them by the Lord High Treasurer or Commissioners of the Treasury of *Ireland*, such sum and sums of money shall by the said Trustees and Commissioners be paid into the receipt of the Exchequer of *Ireland*, within after the receipt thereof by the said

Trustees and Commissioners: AND whereas the said enactment has been found to be very inconvenient, and productive of no benefit; BE it therefore Enacted, That so much of the said Act as is above recited, shall be and the same is hereby Repealed; and that from and after it shall and may be lawful for the said Trustees and Commissioners of the First Fruits in *Ireland*, from time to time to apply all such repayments so to be received by them, in furthering the purposes of their trust in building and rebuilding Churches and Glebe Houses, and the purchase of Glebes, without repaying such money into the receipt of the Exchequer, any thing in the said recited Act or any other Act or Acts to the contrary notwithstanding, in like manner as is usual and lawful with respect to the application of every other grant made by Parliament to the said Trustees and Commissioners of First Fruits in *Ireland*.

AND whereas doubts have been entertained as to the time at which the successor of any Incumbent, to whom any money has been or shall be granted by way of loan by the said Trustees and Commissioners of the First Fruits, first becomes bound to repay any instalment of such loan, in cases where such Incumbent shall die or be removed, before he has received the whole amount of such sum so granted by way of loan; FOR explanation thereof, BE it Enacted, That every person who shall be a successor of any such Incumbent, shall be bound and obliged to repay to the said Trustees and Commissioners an instalment, at the rate of per cent for the sum which shall have been actually so advanced to such Incumbent, on account of such loan (although the whole amount of such loan may not have been received by such incumbent)

So much of 49 Geo. 3. c. 108, § 5, as requires Trustees to pay into the Treasury sums repaid to them.

Repealed.

Trustees may apply such sums towards building of Churches, &c.

For regulating payment of instalments by successors of Incumbents removed before receipt of the whole sum granted.

on the day of next after such person shall
 have become a successor chargeable, by virtue of the hereinbefore
 recited Act of the forty-third year of the reign of his late Majesty
 King *George the Third*; and that no instalment not actually paid of
 any such loan, shall be discharged or be deemed or taken as dis- 5
 charged, by reason of the default or neglect of any Incumbent, in
 respect of the nonpayment of any instalment, which may have become
 due and payable during his incumbency, it being the true intent and
 meaning of this present Act, that instalments of every such loan shall
 continue to be paid, until the whole amount of such loan shall be 10
 actually paid to the said Trustees and Commissioners.

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4 GEO. IV.—SESS. 1823.

(Ireland)

A

B I L L

To amend the Laws for collecting Church
Rates, and Money advanced by the Trus-
tees and Commissioners of the First Fruits
of Ecclesiastical Benefices, in Ireland.

Ordered, by the House of Commons, to be Printed,

3 March 1823.
